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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,218	11/25/2003	Shui-Ming Cheng	24061.149	6790
42717 7590 04/09/2007 HAYNES AND BOONE, LLP 901 MAIN STREET, SUITE 3100 DALLAS, TX 75202			EXAMINER CAO, PHAT X	
			ART UNIT	PAPER NUMBER
			2814	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/09/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.		Applicant(s)	
	10/722,218		CHENG ET AL.	
	Examiner		Art Unit	
	Phat X. Cao		2814	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The rejections of claims as being unpatentable over Ouyang are withdrawn because Ouyang now is disqualified as a prior art.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 38-39 and 42-43 are rejected under 35 U.S.C. 102(e) as being anticipated by Ko et al (US. 2006/0189056).

Regarding claim 38, Ko (Fig. 4b) discloses a semiconductor device, comprising: an isolation region 204b located in a substrate 202; an NMOS device 201 located partially over a surface of the substrate; and a PMOS device 200 isolated from the NMOS device 201 by the isolation region 204b and located partially over the surface; wherein a first one of the NMOS and PMOS devices includes first source/drain regions 244 located at least partially within the substrate and comprising SiC (par. [0049]); and wherein a second one of the NMOS and PMOS devices includes second source/drain regions 242 located at least partially within the substrate and comprising SiGe (par. [0049]).

Regarding claims 39 and 42, Ko's Fig. 4b further discloses that the first source/drain regions 242 are recesses within the surface (see Fig. 4a and par. [0047])

and the second source/drain regions 244 extend downward from the surface, and at least one set of the first and second source/drain regions comprises strained source/drain regions (par. [0049]).

Regarding claim 43, Ko's Fig. 4d also discloses an etch stop layer 228 located over the NMOS and PMOS devices and imparting a first stress in the first source/drain regions 242 and a second stress in the second source/drain regions 244 (par. [0051]), wherein the first and second stresses are substantially different in magnitude (par. [0044]).

3. Claims 1, 5-7, 8-9, 11-12, 15, and 44 are rejected under 35 U.S.C. 102(e) as being anticipated by Bohr et al (US. 2004/0262683).

Regarding claims 1, 5-7, and 44, Bohr (fig. 6) discloses a semiconductor device, comprising: an isolation region 110 located in a substrate; an NMOS device 603 located partially over a surface of the substrate; and a PMOS device 604 isolated from the NMOS device 603 by the isolation region 110 and located partially over the surface; wherein a first one of the NMOS and PMOS devices includes first source/drain regions 470/480 recessed within the surface (see recesses 340 and 360 in Fig. 3) and comprising SiGe or SiC (par. [0024]); and wherein a second one of the NMOS and PMOS devices includes second source/drain regions 203 extending downward from the surface of the substrate.

Regarding claims 8-9, and 11-12, Bohr's Fig. 6 further discloses that the substrate is a bulk silicon substrate having a <110> or <100> crystal orientation (par.

[0027], last 5 lines), and the first source/drain regions 470/480 comprises strained source/drain regions at strain 494 (par. [0026]).

Regarding claim 15, Bohr also discloses an etch stop layer 663/664 (par. [0039], lines 1-6) located over the NMOS and PMOS devices (Fig. 6) and imparting a first stress in the first source/drain regions 470/480 and a second stress in the second source/drain regions 203, wherein the first and second stresses are substantially different in magnitude (par. [0039]).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-4, 13-14, 16-22, 24-27, 28-33, 35-37, and 45-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bohr et al (US. 2004/0262683) in view of Dawson et al (US. 5,963,803).

Regarding claims 2, 16, and 45, Bohr does not disclose the PMOS gate 604 having a height greater than a height of the NMOS gate 603.

However, Dawson (Fig. 1H) teaches a CMOS device comprising: a PMOS gate 122 having a height greater than a height of an NMOS gate 126 (column 7, lines 4-6). Accordingly, it would have been obvious to modify the device of Bohr by forming the

PMOS gate having a height greater than a height of the NMOS gate because the relatively high gate for the PMOS device would reduce boron penetration into active region, as taught by Dawson (column 4, lines 32-33).

Regarding claims 3-4, 17, 28, and 46, as discussed above, Bohr's Fig. 6 substantially reads on the invention as claimed, except that it does not disclose that the spacers formed on opposing sides of the PMOS gate 604 have a width greater than a width of the spacers formed on opposing sides of the NMOS gate 603.

However, Dawson (Fig. 1H) teaches a CMOS comprising the spacers 146 formed on opposing sides of the PMOS gate 122 and having a width greater than a width of the spacers 144 formed on opposing sides of the NMOS gate 126 (column 7, lines 4-6). Accordingly, it would have been obvious to modify the device of Bohr by forming the spacers formed on opposing sides of the PMOS gate having a width greater than a width of the spacers formed on opposing sides of the NMOS gate because the relative wide spacers for the PMOS device would offset the rapid diffusion of boron in the source/drain regions for the P-channel device during high temperature processing so that the source/drain regions for the NMOS and PMOS devices would have the desired sizes, as taught by Dawson (column 4, lines 32-40).

Regarding claims 13-14, 18-22, 24-26, 29-33, and 35-36, Bohr (fig. 6) further discloses that the substrate is a bulk silicon substrate having a $\langle 110 \rangle$ or $\langle 100 \rangle$ crystal orientation (par. [0027], last 5 lines), and the first source/drain regions 470/480 comprises strained source/drain regions made of SiGe or SiC (par. [0024]).

Regarding claims 27 and 37, Bohr also discloses an etch stop layer 663/664 (par. [0039], lines 1-6) located over the NMOS and PMOS devices (Fig. 6) and imparting a first stress in the first source/drain regions 470/480 and a second stress in the second source/drain regions 203, wherein the first and second stresses are different in magnitude (par. [0039]).

6. Claims 10, 23, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bohr et al and Dawson et al as applied to claims (16, 28) above, and further in view of Biebl et al (US. 5,913,115).

Neither Bohr nor Dawson discloses that the substrate is a silicon-on-insulator substrate.

However, Biebl (Fig. 9) teaches the known feature of forming a PMOS 26 and an NMOS 28 on a surface of a bulk silicon substrate or on a surface of a silicon-on-insulator (SOI) substrate 21 (column 4, lines 45-47). Accordingly, it would have been obvious to modify the device of Bohr by forming the PMOS and NMOS transistors on an SOI substrate because such known SOI substrate would reduce the parasitic effects between the transistors and the substrate.

7. Claim 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bohr et al (US. 2004/0262683) in view of Wu (US. 6,194,258).

Bohr (Fig. 6) discloses a plurality of CMOS semiconductor devices (par. [0012], lines 1-5) each including: an isolation region 110 located in a substrate; an NMOS device 603 located partially over a surface of the substrate; and a PMOS device 604 isolated from the NMOS device 603 by the isolation region 110 and located partially

over the surface; wherein the PMOS device 604 includes first source/drain regions 470/480 recessed within the surface (see recesses 340/360 in Fig. 3); and wherein the NMOS device 603 includes second source/drain regions 203 substantially coplanar with the surface.

Bohr does not specifically disclose a plurality of interconnects connecting to CMOS device.

However, Wu (Fig. 8) teaches the known feature of connecting a plurality of interconnects 16/18 to CMOS device 70/80. Accordingly, it would have been obvious to provide a plurality of interconnects connecting one of the plurality of CMOS devices of Bohr because such interconnects connections are well known in the art for providing the electrical connections to the CMOS devices.

8. Claims 48-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bohr et al and Wu as applied to claim 47 above, and further in view of Dawson et al (US. 5,963,803).

Regarding claim 48, Bohr's Fig. 6 does not disclose the PMOS gate 604 having a height greater than a height of the NMOS gate 603.

However, Dawson (Fig. 1H) teaches a CMOS device comprising: a PMOS gate 122 having a height greater than a height of an NMOS gate 126 (column 7, lines 4-6). Accordingly, it would have been obvious to modify the device of Bohr by forming the PMOS gate having a height greater than a height of the NMOS gate because the relatively high gate for the PMOS device would reduce boron penetration into active region, as taught by Dawson (column 4, lines 32-33).

Regarding claim 49, Bohr's Fig. 6 does not disclose that the spacers formed on opposing sides of the PMOS gate 604 have a width greater than a width of the spacers formed on opposing sides of the NMOS gate 603.

However, Dawson (Fig. 1H) teaches a CMOS comprising the spacers 146 formed on opposing sides of the PMOS gate 122 and having a width greater than a width of the spacers 144 formed on opposing sides of the NMOS gate 126 (column 7, lines 4-6). Accordingly, it would have been obvious to modify the device of Bohr by forming the spacers formed on opposing sides of the PMOS gate having a width greater than a width of the spacers formed on opposing sides of the NMOS gate because the relative wide spacers for the PMOS device would offset the rapid diffusion of boron in the source/drain regions for the P-channel device during high temperature processing so that the source/drain regions for the NMOS and PMOS devices would have the desired sizes, as taught by Dawson (column 4, lines 32-40).

9. Claims 40-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ko et al in view of Dawson et al (US. 5,963,803).

Regarding claim 40, Ko does not disclose the PMOS gate 208 having a height greater than a height of an NMOS gate 208.

However, Dawson (Fig. 1H) teaches a CMOS device comprising: a PMOS gate 122 having a height greater than a height of an NMOS gate 126 (column 7, lines 4-6). Accordingly, it would have been obvious to modify the device of Ko by forming the PMOS gate having a height greater than a height of the NMOS gate because the

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relatively high gate for the PMOS device would reduce boron penetration into active region, as taught by Dawson (column 4, lines 32-33).

Regarding claim 41, Ko does not disclose that the spacers formed on opposing sides of the PMOS gate 208 have a width greater than a width of the spacers formed on opposing sides of the NMOS gate 208.

However, Dawson (Fig. 1H) teaches a CMOS comprising the spacers 146 formed on opposing sides of the PMOS gate 122 and having a width greater than a width of the spacers 144 formed on opposing sides of the NMOS gate 126 (column 7, lines 4-6). Accordingly, it would have been obvious to modify the device of Ko by forming the spacers formed on opposing sides of the PMOS gate having a width greater than a width of the spacers formed on opposing sides of the NMOS gate because the relative wide spacers for the PMOS device would offset the rapid diffusion of boron in the source/drain regions for the P-channel device during high temperature processing so that the source/drain regions for the NMOS and PMOS would have the desired sizes, as taught by Dawson (column 4, lines 32-40).

Response to Arguments

10. Applicant argues that Bohr cannot be applied to reject independent claims 1, 16, 28, 44, 47 or their dependent claims under 35 U.S.C. 102 or 35 U.S.C. 103 because Bohr does not suggest that "a first one of the NMOS and PMOS devices includes first source/drain regions recessed within the surface; and ... a second one of the NMOS and PMOS devices includes second source/drain regions extending from the surface" as amended.

This argument is not persuasive because Bohr's Fig. 4 clearly discloses a PMOS device 404 including first source/drain regions 470/480 recessed within the surface (see recesses 340 and 360 in Fig. 3), and an NMOS device 400 including second source/drain regions 203 extending downward from the substrate surface. Therefore, Bohr does suggest the invention as claimed.

Regarding independent claim 38 and its dependent claims, the new reference is applied in the new ground of rejection.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phat X. Cao whose telephone number is 571-272-1703. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wael Fahmy can be reached on 571-272-1705. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PC
March 30, 2007


PHAT X. CAO
PRIMARY EXAMINER